

FILED

AUG 26 2015

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARA WYNN BREWER,

Defendant.

No.

4:15CR399 AGF/NCC

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this Indictment:

1. Federal law defined the term

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));

(b) "sexually explicit conduct" to mean actual or simulated--

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C § 2256(2)(A));

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. § 2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. § 2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Beginning at an exact date unknown, but including July 2, 2014, in the Eastern District of Missouri,

DARA WYNN BREWER,

the defendant herein, did knowingly possess material, to wit, a Samsung Model SGH-I927 cellular telephone bearing serial number R21C97TZE7K, said cellular telephone having been produced outside the State of Missouri and therefore having traveled in interstate and foreign commerce, and which contained child pornography, including but not limited to one of the following:

- a) "82" – an image file depicting a minor female masturbating;
- b) "83" – an image file depicting a prepubescent minor female in a lascivious display of her genitals;
- c) "copyImage.bmp" – an image file depicting a minor female in a lascivious display of her genitals;
- d) "copyImage.bmp_thum_1.jpg" - an image file depicting a prepubescent minor female in a lascivious display of her genitals.

In violation of Title 18, United States Code, § 2252A(a)(5)(B) and punishable under Title 18, United States Code, § 2252A(b)(2).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about June 9, 2013 and on or about June 18, 2013, within the Eastern District of Missouri and elsewhere,

DARA WYNN BREWER,

the defendant herein, knowingly transported using any means or facility of interstate and foreign commerce graphic image and video files via cellular phone services and the Internet and said graphic image and video files contained child pornography, including, but not limited to, the following:

- a) "09x.jpg" – an image file depicting a minor female performing oral sex on a male;
- b) "100" – an image file depicting a minor female in a lascivious display of her genitals.

In violation of Title 18, United States Code, Sections 2252A(a)(1) and 2.

COUNT III

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about May 22, 2013 and on or about June 17, 2013, within the Eastern District of Missouri, and elsewhere,

DARA WYNN BREWER,

the defendant herein, knowingly received using any means or facility of interstate and foreign commerce graphic image and video files via cellular phone services and the Internet and said graphic image and video files contained child pornography, including, but not limited to, the following:

- a) "lisa spreading it [1].jpg" - an image file depicting a minor female in a lascivious display of her genitals;
- b) "8(1).jpg" - an image file depicting a prepubescent minor female in a lascivious display of her genitals;
- c) "12(1).jpg" - an image file depicting a minor female performing oral sex on a male;
- d) "14(1).jpg" - an image file depicting a minor female in a lascivious display of her genitals.

In violation of Title 18, United States Code, Sections 2252A(a)(2) and 2.

A TRUE BILL.

FOREPERSON

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